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CLERK'S OFFICE - UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY *[Signature]*  
CLERK'S OFFICE

SAM HOUSTON,

PLAINTIFF,

V.

MARIE GONZALEZ, NUCKOLS  
CROSSING LTD., CITY OF AUSTIN  
PUBLIC HOUSING AUTHORITY, LISA  
GARCIA, VETERANS  
ADMINISTRATION, ANDREW  
MILLER, CATHERINE WILLIAMS,  
TRAVIS COUNTY, TEXAS, UNITED  
STATES OF AMERICA,  
DEFENDANTS.

CAUSE NO. 1:16-CV-986-LY

**ORDER ON REPORT AND RECOMMENDATION**

Before the court is the above styled cause, which was referred to the United States Magistrate Judge for report and recommendation. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72; W.D. Tex. Appx C, R. 1(d). The magistrate judge filed his Report and Recommendation on June 19, 2017 (Clerk's Doc. No. 87), recommending that this court bar Plaintiff from filing any additional lawsuit in the Western District of Texas without first obtaining leave from a Federal District Judge in the Western District of Texas, Austin Division, or a Judge of the United States Court of Appeals for the Fifth Circuit.

A party may serve and file specific, written objections to the proposed findings and recommendations of the magistrate judge within 14 days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the District Court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a Report and Recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed

factual findings and legal conclusions accepted by the District Court. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*).

The parties were properly notified of the consequences of a failure to file objections. The record reflects the parties received the Report and Recommendation by July 3, 2017. To date, no party has filed objections to the findings of fact and conclusions of law in the report. The court, having reviewed the entire record and finding no plain error, will accept and adopt the report and recommendation filed in this cause for substantially the reasons stated therein.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of the United States Magistrate Judge (Clerk's Doc. No. 75) is **ACCEPTED AND ADOPTED** by the court.

**IT IS FURTHER ORDERED** that Plaintiff is **BARRED** from filing any additional lawsuit in the Western District of Texas without first obtaining leave from a Federal District Judge in the Western District of Texas, Austin Division, or a Judge of the United States Court of Appeals for the Fifth Circuit.

Also before the court is a document entitled "Plaintiff Houston Requests this Court Grant Him a Hearing to Defend His Claims that are not Legally Frivolous with Plaintiff's Counsel William F. Ritter and Woodway Counsel Arthur Troilo III"<sup>1</sup> filed August 18, 2017 (Clerk's Doc. No. 92). The court construes the document as a motion. Having reviewed the motion, case file, and applicable law, **IT IS ORDERED** that "Plaintiff Houston Requests this Court Grant Him a Hearing to Defend His Claims that are not Legally Frivolous with Plaintiff's Counsel William F.

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<sup>1</sup> The document does not contain objections to the report and recommendation. Objections to the report and recommendation of the magistrate judge must be in writing. 28 U.S.C. § 636(b).

Ritter and Woodway Counsel Arthur Troilo III" (Clerk's Doc. No. 92) is **DENIED**.

SIGNED this 31<sup>st</sup> day of August, 2017.

  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE